UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

DOCKET NO. 1:16-cr-00039-MOC-DLH

UNITED STATES OF AMERICA,)	
)	
)	
)	
Vs.)	ORDER
)	
DANNY TERRON RONEY,)	
)	
Defendant.)	

THIS MATTER is before the court on Defendant Roney's *pro se* "Notice of Appeals" (#128) and "Freedom of Information and Privacy Act Request" (#129). In his so-called "Appeals," defendant takes issue with the Magistrate Judge Howell's finding of his incompetence to proceed to trial and in his denial of defendant's pro se motions to dismiss court appointed counsel and appoint new counsel. In his FOIA request, defendant asks this court to produce copies of all pleadings filed in this action as well as other court actions he has been involved in in other jurisdictions over the years, including what appears to be a civil action he initiated against the then Governor of South Carolina.

The court notes that, prior to his filing the instant *pro se* motions, the Judge Howell determined that defendant not competent to proceed to trial at this time, Sealed Order (#122) (unsealed for the limited purpose of noting the finding of the Magistrate Judge as to competency), a conclusion in which this court fully concurs after a review of both Judge Howell's Order and the FTR recordings (#s 113 & 121) of the competency hearing. Defendant having been determined to be incompetent to assist in his own defense, he is also not competent in his filing of the instant motions.

In any event, review of the docket reveals that defendant is represented by court-appointed counsel in this matter, Ms. Coleman. Under Local Criminal Rule 47.1(h), this court does not ordinarily entertain pro se motions from represented parties. This court fully concurs in Judge Howell's conclusion that defendant is being afforded excellent representation by Ms. Coleman and that there is no basis for new representation. Sealed Order (#124) (unsealed for the limited purpose of reviewing Judge Howell's conclusion that "Ms. Coleman has been performing her job in representing Defendant admirably and there is no basis for new representation."). Review of this pleadings reveals no exceptional circumstances exist under Rule 47.1(h) as court-appointed counsel is able to obtain any documents necessary for an adequate defense or for any other legitimate purpose. The court will, therefore, deny both pro se motions in accordance with Rule 47.1(h) as counsel is well able to file any appropriate motions necessary for an adequate defense in this matter.

ORDER

IT IS, THEREFORE, ORDERED that Defendant Roney's *pro se* "Notice of Appeals" (#128) and *pro se* "Freedom of Information and Privacy Act Request" are **DENIED**.

Signed: January 31, 2017

Max O. Cogburn J

United States District Judge